

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**JUNE 30, 2015**

**CITY COMMISSION CHAMBERS @ 5:30 P.M.**

### **MINUTES**

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, June 30, 2015.

Pastor Matt Sharp opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

#### **ROLL CALL FOR THE REGULAR COMMISSION MEETING:**

Present: Mayor Stephen Gawron, Vice Mayor Lawrence Spataro, Commissioners Rinsema-Sybenga, Turnquist, Johnson, and German, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Meisch. Commissioner Hood arrived at 5:50 p.m.

#### **2015-45 INTRODUCTIONS/PRESENTATION:**

**A. New Water Filtration Plant Superintendent** – Michael Greiner was introduced by Mohammed Al-Shateel as the new Water Filtration Plant Superintendent.

#### **2015-46 CONSENT AGENDA:**

##### **A. Approval of Minutes.** CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the June 8<sup>th</sup> Commission Worksession Meeting, and the June 9<sup>th</sup> City Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

##### **B. Micro Brewer – Pigeon Hill Brewing Co., LLC.** CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Pigeon Hill Brewing Co., LLC, for a Micro Brewer License to be located at 435-441 W. Western Avenue.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

**C. Aloha Hawaiian Shave Ice Concession Contract for City of Muskegon Parks.** PUBLIC WORKS

SUMMARY OF REQUEST: Staff is asking permission to enter into a one-year contractual agreement with David Gelderloos of Aloha Hawaiian Shave Ice, at various City of Muskegon Parks/Facilities, located within the City of Muskegon, and as determined by staff, to sell shaved ice from a mobile trailer.

FINANCIAL IMPACT: Concession revenue is 10% of gross receipts. Commission revenue is unknown at this time as this is the first year in business for the Concessionaire at City of Muskegon Parks.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize DPW staff to enter into concession agreement with David Gelderloos of Aloha Hawaiian Shave Ice.

**D. One Way Front Snow Plow.** PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase two Henderson One Way Front Snow Plows as per our specification. This authorization is being sought because our previous purchase was cancelled due to two of the three plows not meeting our specification and we declined to accept the plows.

FINANCIAL IMPACT: These units have a Net price of \$6706.50 per unit, for a total of \$13,413.00 for this purchase.

BUDGET ACTION REQUIRED: None. Amount is what was budgeted.

STAFF RECOMMENDATION: Authorize staff to purchase two One Way Front Snow Plows by Henderson Manufacturing, from Arista Truck Systems of Grand Rapids, MI, as a sole source area supplier for these units.

**F. Upgrade Access Card System for City Facilities.** PUBLIC WORKS

SUMMARY OF REQUEST: Currently, public works uses three different software programs at various facilities to provide access for employees and for timekeeping. These systems are not compatible, are outdated and unreliable. Staff is requesting permission to purchase/upgrade its access card system at the Water Filtration Plant, the landfill gate and the time clock at the public service building to consolidate all systems into one program. Midstate Security provided the only bid at \$19,338.13 that will accomplish this goal and is the current provider for city hall and public service building doors and gates.

FINANCIAL IMPACT: \$19,338.13. Expenditures would come from the Water Filtration and PSB Budgets.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize staff to contract with Midstate Security for access and time clock system upgrades for \$19,338.13.

**G. Approval of Bid Award for 1477 Nolan.** COMMUNITY &  
NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the bids and award the Building Contract for the construction of a single family dwelling at 1477 Nolan to Holden Construction for the City of Muskegon's HOME Program through CNS.

CNS received three bids. The cost estimate from our architect was \$159,850.

FINANCIAL IMPACT: The funding for this project has been secured through the HOME program 2014 grant allocation.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To award Curtis Holden the building construction contract for 1477 Nolan, in the amount of \$140,027.

**H. Assignment of the Water Supply Agreement.** PUBLIC WORKS

SUMMARY OF REQUEST: Assign the water supply agreement the City has with Norton Shores/Fruitport Township to the newly formed authority, West Michigan Regional Water Authority. Thus making the agreement between the City of Muskegon and the West Michigan Regional Authority. The assignment would in no way alter or modify any other parts of the signed agreement.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Assign the agreement to the West Michigan Regional Water Authority instead of Norton Shores/Fruitport Township.

**I. City-County Human Resources Agreement.** CITY MANAGER

SUMMARY OF REQUEST: The City currently contracts with Muskegon County for the provision of human resources services. This program is administered by the County Human Resources Department. The Agreement is set to expire June 30, 2015. City staff is requesting that the City Commission extend the agreement for five years to June 30, 2020. All terms of the agreement would remain the same, with the exception of the annual fee for the service – which will increase from \$75,000 to \$82,500.

FINANCIAL IMPACT: \$7,500 annual increase over the current contract.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request and authorize the Mayor and Clerk to sign an agreement.

**J. City's Policy with Respect to Freedom of Information Act Requests.** CITY CLERK

SUMMARY OF REQUEST: To approve the City's policy with respect to FOIA requests to comply with State law.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

**Motion by Vice Mayor Spataro, second by Commissioner Johnson to accept the Consent Agenda as read.**

**ROLL VOTE: Ayes: German, Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Spataro**

**Nays: None**

**MOTION PASSES**

**2015-47 ITEMS REMOVED FROM CONSENT AGENDA:**

**E. Installation of Decorative Fence at St. Joseph Park. COMMUNITY & NEIGHBORHOOD SERVICES**

SUMMARY OF REQUEST: Community and Neighborhood Services requests authorization to assist Blight Fight efforts in our target area for the St. Joseph Park, located on Monroe Avenue between 4<sup>th</sup> and 5<sup>th</sup> Streets, to install a 6 foot decorative fence (similar to the fence at Heritage Landing). The fence is estimated at 358 feet, and will enclose the park along three sides with a gate to allow access for DPW and other maintenance assistance. Hoping to deter criminal activity and beautify the neighborhood park, we applied for the Nelson Neighborhood Improvement Association grant to improve neighborhood conditions, create opportunities for neighbors and support safe environments at a 50% match; the lowest bid submitted is \$15,740.

FINANCIAL IMPACT: The old fence has since been removed and the cost of the new fence will be shared between the Nelson Neighborhood Improvement Association (NNIA) and the City of Muskegon Blight Fight Grant at a cost of \$7,870 each.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the purchase of the fencing for St. Joseph Park.

COMMITTEE RECOMMENDATION: Blight Fight committee has applied for a grant to be combined with the CDBG funds as a public service activity to promote a safer playground.

**Motion by Commissioner Rinsema-Sybenga, second by Commissioner German to approve the purchase of the fencing for St. Joseph Park in the amount of \$15,740.**

**ROLL VOTE: Ayes: Johnson, Gawron, Spataro, German, Rinsema-Sybenga, and Turnquist**

**Nays: None**

**MOTION PASSES**

**2015-48 NEW BUSINESS:**

**A. Fourth Quarter 2014-15 Budget Reforecast. FINANCE**

SUMMARY OF REQUEST: At this time staff is transmitting the **Fourth Quarter 2014-**

**15 Budget Reforecast** which outlines proposed changes to the budget that have come about as result of changes in revenue projections, policy priorities, labor contracts, updated economic conditions, or other factors.

FINANCIAL IMPACT: Significant fourth quarter proposed adjustments to the budget are as follows:

- General Fund revenues are reforecast to be \$149,000 higher than the third quarter reforecast.
- General Fund expenditures are estimated to be \$322,500 higher than the third quarter reforecast. The significant changes include; 1) transfer of \$150,000 from the General Fund to the Local Streets Fund, 2) transfer of \$60,000 from the General Fund to the Engineering Services Fund and, 3) environmental services expenditures increased by \$94,000.
- There are relatively minor changes proposed within the budgets of some of the other budgeted funds.

BUDGET ACTION REQUIRED: City Commission approval of this reforecast will formally amend the City's 2014-15 budget.

STAFF RECOMMENDATION: Approval.

**Motion by Vice Mayor Spataro, second by Commissioner Johnson to approve the budget reforecast.**

**ROLL VOTE: Ayes: Spataro, German, Rinsema-Sybenga, Turnquist, Johnson, and Gawron**

**Nays: None**

**MOTION PASSES**

**B. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY**

**1221 Sanford Street**

**1075 Washington Avenue**

**407 Marquette Avenue**

**1357 7<sup>th</sup> Street**

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that they be demolished within 30 days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder or staff may issue infraction tickets to the owner, agent or responsible party if they do not demolish the structure.

FINANCIAL IMPACT: CDBG or General Funds for 1221 Sanford St., 1075

Washington, and 1357 7<sup>th</sup> Street. General funds for 407 Marquette.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

**Motion by Vice Mayor Spataro, second by Commissioner German to concur with the Housing Board Appeals notice and order to demolish 1221 Sanford, 1075 Washington, and 1357 7<sup>th</sup> Street.**

**ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, Spataro, and German**

**Nays: None**

**MOTION PASSES**

**Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga to concur with the Housing Board Appeals notice and order to demolish 407 Marquette.**

**ROLL VOTE: Ayes: Gawron, Hood, Spataro, German, Rinsema-Sybenga, Turnquist, and Johnson**

**Nays: None**

**MOTION PASSES**

**C. Legal Services. CITY MANAGER**

SUMMARY OF REQUEST: The Commission requested staff solicit proposals for legal and prosecution services for the upcoming five year period. This effort was undertaken in June. Six proposals were received as part of the process. A team consisting of City staff, the Vice Mayor, and Commissioner Johnson met to review the merits of the proposals. The committee recommended that the proposal submitted by Parmenter O'Toole be submitted to the City Commission as the preferred service provider for both general legal and prosecution services.

Staff is asking the Commission to authorize staff to negotiate a five-year agreement for general legal and prosecution services with Parmenter O'Toole.

FINANCIAL IMPACT: \$300,000 annually

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To authorize staff to negotiate a five-year agreement for general legal and prosecution services with Parmenter O'Toole.

COMMITTEE RECOMMENDATION: To authorize staff to negotiate a five-year agreement for general legal and prosecution services with Parmenter O'Toole.

**Motion by Commissioner Johnson, second by Commissioner Hood to negotiate 5-year proposal with Parmenter O'Toole for legal and prosecution services.**

**ROLL VOTE: Ayes: German, Rinsema-Sybenga, Turnquist, Johnson, Gawron,**

**Hood, and Spataro.**

**Nays: None**

**MOTION PASSES**

**D. LC Walker Arena Flooring – Turf. CITY MANAGER**

SUMMARY OF REQUEST: City staff has been working with arena management, event planners, and potential tenants to better utilize the arena as a year-round facility that hosts a variety of sporting events outside of hockey. Before any non-ice events can be booked, we first need to address our alternate flooring needs. Those needs include a subfloor, a wooden court, and a field turf.

Staff has received approval from the County Accommodations Tax Advisory Committee that the group will fund the new subfloor, at a cost of \$140,000. Staff is also seeking a partner to assist with the cost of the wooden court, which will likely exceed \$75,000.

City staff is asking the Commission to approve up to \$30,000 for the purchase of a used turf floor to accommodate indoor activities requiring the use of turf – football, lacrosse, soccer, etc.

FINANCIAL IMPACT: Up to \$30,000 for FY 14-15

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

**Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga to approve up to \$30,000 for the purchase of a used turf floor to accommodate indoor activities requiring the use of turf.**

**ROLL VOTE: Ayes: Hood, Spataro, German, Rinsema-Sybenga, Turnquist, Johnson, and Gawron**

**Nays: None**

**MOTION PASSES**

**PUBLIC PARTICIPATION:** Public comments were received.

**ADJOURNMENT:** The City Commission Meeting adjourned at 6:45 p.m.

Respectfully submitted,

Ann Marie Meisch, MMC  
City Clerk